IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIANSHIP PETITION NO.151 OF 2005

In the matter of Guardian And Wards Act 1890 ;

And

In the matter of Miss Ishwari Dilip Patekar Aged about 14 yrs., daughter of Dilip Dagdu Patekar & Smt. Savita Dilip Patekar, father expired.

Mrs.Laxmi Dagdu Patekar ..Petitioner.

Ms.Sonal Gokhale for the Petitioner.

CORAM: S.J.VAZIFDAR, J.
DATED: 10TH JANUARY, 2006.

P.C. :

The Petitioner is the paternal grandmother of the minor girl Ms.Ishwari Patekar, of whom she seeks to be appointed as a guardian.

2. The procedure under section 11 of the Guardians and Wards Act, 1890 has been complied with. As recorded by Smt.N.N. Mhatre, J. in an order dated 30th November, 2005, the minor's father expired

intestate on 9th October, 1991 and her mother remarried on 22nd January, 1998. Her mother has also filed an affidavit stating that she has no objection to any of the reliefs claimed in the Petition. She infact has supported the appointment of the Petitioner as the guardian of the minor child.

3. Pursuant to the said order dated 30th November, 2005, the Regional Provident Fund Commissioner has filed a report indicating that an amount of about Rs.70,358/- is due and payable to the minor's father. The Petitioner herself is a vegetable vendor and, as contended, would find it difficult to maintain the minor child, if the entire amount is ordered to be invested. She has already incurred expenses in respect of the minor child.

4. In the circumstances, the following order is passed :

i) The Petition is made absolute in terms of prayers (b), (e) and (f). However, qua prayer (e), it is ordered that the amount to be

invested as stated therein, shall be less by an amount of Rs.30,000/- which shall be paid directly to the Petitioner for the benefit and maintenance of the minor.

ii) The Petitioner shall also be entitled to be paid the future amounts in respect of the pension payable and shall utilise the same for the benefit of the minor.

iii) The Petitioner shall file an affidavit on or before the 15th of January each year, stating the manner in which the aforesaid amounts have been utilised by her.